## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

UNITED STATES OF AMERICA	
v.	) CRIM. CASE NO. 2:22-cr-06-ECM
	)
JESSIE DETRAGLIA STONE	)

## **MEMORANDUM OPINION and ORDER**

Now pending before the court is Defendant Jessie Detraglia Stone's motion to continue trial (doc. 19) filed on March 9, 2022. Jury selection and trial are presently set on the term of court commencing on April 4, 2022. For the reasons set forth below, the court will grant a continuance of the trial pursuant to 18 U.S.C. § 3161(h)(7).

While the trial judge enjoys great discretion when determining whether to grant a continuance, the court is limited by the requirements of the Speedy Trial Act. 18 U.S.C. § 3161; *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986). The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

## 18 U.S.C. § 3161(c)(1).

The Act excludes, however, certain delays from the seventy-day period, including delays based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). In determining whether to grant a continuance under § 3161(h)(7), the court "shall consider,"

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among other factors, whether denial of a continuance would likely "result in a miscarriage of

justice," or "would deny counsel for the defendant . . . the reasonable time necessary for

effective preparation, taking into account the exercise of due diligence." § 3161(h)(7)(B)(i),

(iv).

Counsel for the Defendant represents that there is voluminous discovery, and counsel

needs additional time to review discovery, meet with the Defendant and discuss his options.

The United States does not oppose a continuance. In addition, there are two other defendants

who have not yet been arraigned. "There is a preference in the federal system for joint trials

of defendants who are indicted together." Zafiro v. United States, 506 U.S. 534, 537

(1993). The court concludes that the Defendant should be tried with his co-defendants

because a joint trial serves the interests of judicial administration and economy.

Accordingly, the Court concludes that the ends of justice served by continuing trial outweigh

the best interest of the public and the Defendant in a speedy trial. Thus, for good cause, it is

ORDERED that the motion to continue (doc. 19) is GRANTED, and jury selection and

trial are CONTINUED from April 4, 2022, to the criminal term of court set to commence on

August 29, 2022, at 10:00 a.m. in Montgomery, Alabama. All deadlines tied to the trial date

are adjusted accordingly.

The United States Magistrate Judge shall conduct a pretrial conference prior to the

August trial term.

Done this 18th day of March, 2022.

/s/Emily C. Marks

EMILY C. MARKS

CHIEF UNITED STATES DISTRICT JUDGE